

EFFORTS TO RESEAT SOCIALISTS BEATEN

Sweet, Refusing to Entertain Resolution, Is Upheld by Big Majority.

WOULD HALT INQUIRY

But That Move Also Fails—Hughes's Loyalty Figures in Debate.

Special Dispatch to THE SUN.

ALBANY, Jan. 26.—Half a dozen efforts to block further investigation of the qualifications and eligibility of the five suspended Socialist Assemblymen and to resear them marked to-night's session of the Assembly.

Four resolutions introduced by Assemblyman William C. Amos, Republican, of New York, designed either to relieve the Judiciary Committee from further consideration of the charges against the five suspended legislators, or, failing that, to secure a disclosure of the evidence against the five men and its source, were given short shrift by the Speaker. Another, which would have instructed the Judiciary Committee to rescind its previous action and extend the privilege of appearance to the special committee of the New York City Bar Association, headed by Charles E. Hughes, met a similar fate.

Assemblyman Amos asked for immediate consideration on the ground that the resolutions were privileged, where Speaker Sweet thought otherwise, whereupon Amos called up his previous resolution of last week to resear the Socialists and appealed from the chair's ruling that it was not a privileged resolution. By a rising vote the Speaker was sustained, only a handful of members, including Assemblymen Bloch, Pellet, Evans and the introducer, voting in the negative.

Ask Committee's Evidence.

Assemblyman Bloch, one of the Democratic minority members of the Judiciary Committee who frequently last week dissented from rulings by Chairman Louis M. Martin concerning the introduction of evidence, followed the Amos lead and asked for immediate consideration, as privileged, of a resolution providing that Speaker Sweet, Attorney-General Charles D. Newton and Senator Clayton R. Lusk appear before the Judiciary Committee and inform it of the nature of the evidence against the Socialists.

Speaker Sweet again held that the resolution was not privileged and added that its substance could be accomplished whenever the committee cared to ask for the information suggested.

An almost burlesque touch was given to to-night's deliberations by the Assembly in the short debate that followed the motion by Assemblyman Joseph Steinberg (Rep.) of New York to expunge from the record the remark concerning the loyalty of Charles E. Hughes made before the Assembly last week by Assemblyman Martin G. McCue (Dem.) of New York.

Defends Hughes.

McCue was the author of a remark to the effect that he had looked with suspicion for three years upon Charles

E. Hughes and that when it was thought in 1916 that Mr. Hughes had been elected President all the pro-Germans in McCue's district had been jubilant.

In support of his resolution to expunge the remarks from the record Mr. Steinberg said:

"I want to say that Charles Evans Hughes did not come to defend the Socialists and I defy McCue or any one else to prove one thing that will reflect in any way upon his loyalty."

"Charles E. Hughes was the Republican candidate for President in 1916, and it was Wilson and not Hughes that the German element supported. Even Tammany supported Mr. Hughes, and one, not even McCue, although he has been here fourteen years, has the right to come here and question the loyalty of Mr. Hughes just because he disagreed with him. Although Mr. Hughes lives in my district I call upon the up-State Republicans to vote to expunge Assemblyman McCue's remarks from the record."

McCue Renews Attack.

Mr. McCue retorted by declaring that Steinberg did not understand the English language. He placed the onus for any charge of disloyalty against Mr. Hughes, if any existed, upon the shoulders of Steinberg.

"I have not charged Charles E. Hughes with anything," McCue began. "I simply made a statement of fact. I said that I had been suspicious of Charles E. Hughes for three years, and that when he was thought to have been elected President every pro-German in my district was jubilant. I thought that Assemblyman Steinberg had the fundamentals of common sense, and I want to say that if Mr. Hughes is ever again a candidate for President and his loyalty is assailed he can point to Assemblyman Steinberg as the cause. Mr. Steinberg said that Mr. Hughes is not defending the Socialists. I repeat that he has not only rushed to the defense of the Socialists but has black-guarded and abused the members of this Assembly."

The Steinberg resolution was referred to the Judiciary Committee.

Committee Attacked.

The four resolutions introduced by Assemblyman Amos provided:

1. That the Judiciary Committee be discharged from further consideration of the resolutions and the privilege of appearance and eligibility of the five suspended Socialists.
2. That the Judiciary Committee be at once instructed to extend the same courtesy to the Hughes Committee of the New York City Bar Association as has been extended to the five accused Assemblymen and their counsel.
3. That the Attorney-General be at once called upon to furnish the Assembly with a full bill of particulars of all matters concerning the suspension and investigation of the five Socialists, the information to cover:
- a. The ground on which the suspension of the five Socialist members was first suggested to him and by whom.
- b. If the evidence, in whole or in part, that has been produced in the investigation was in his possession at the time the suggestion of their suspension was made to him, or if it has been acquired since that time.
- c. If no suggestion was made to him regarding the action of the Assembly in the suspension of the five Socialist members and their investigation, did he suggest to the Assembly that such action be taken and to whom did he make such suggestion?
- d. What arrangement, if any, has been made as to the compensation of the legal counsel to the committee, including Messrs. Stanchfield and Littleton?
- e. If he has evidence of the guilt of each or any of the five suspended Socialist members based on any criminal act or acts.

L. D. H. advise the chairman of the

Judiciary Committee to refuse the committee representing the association of the Bar Association of the city of New York the right of appearance on behalf of the interests of the people during the investigation of the five suspended Socialist members, and when was such advice given?

The resolutions were presented after Mr. Amos had attempted vainly to get consideration for a memorial addressed to the Speaker and members of the Assembly by the committee of the Association of the Bar, headed by Mr. Hughes. Assemblyman Amos asked for unanimous consent for the reading of the memorial, but cries of "I object" came from a dozen or more members and Speaker Sweet ruled that the memorial would be printed as a public document.

Bar "Memorial" Facts.

The memorial of the Bar Association committee to the Assembly sets forth the following as undisputed facts in the opinion of the committee:

"That the five members under suspension were duly elected; that they were admitted to the Assembly and acted as members; that they were suspended and denied their privileges without opportunity to be heard; that prior to their suspension there was no charge against them, and that now there is no disqualifying charge pending against them."

The memorial further contends there are five districts now in effect without representation and that that denial of representation will continue as long as the inquiry lasts, "which may be until the end of the legislative session."

The committee's memorial then submits the following propositions upon which its request for the rescinding of the suspension of the members is based:

- First—"That the power of the Assembly under the Constitution to be the judges of the qualifications of its own members is not an arbitrary power, but is to be exercised as a prerogative in accordance with the fundamental conceptions of due process and the essential principles of representative government."
- Second—"That all questions as to the existence of disqualification in the case of a member-elect are properly presented before he is admitted to membership."
- Third—"That all questions as to the existence of disqualification in the case of a member-elect are properly presented before he is admitted to membership."
- Fourth—"That a member cannot be expelled except upon proper charges and after due opportunity to be heard."
- Fifth—"That after he has been admitted to the Assembly a member cannot be suspended or denied these privileges pending inquiry, but only upon being expelled in case proper charges have been sustained after hearing."
- Sixth—"That when a member-elect presents himself to take the oath of office he cannot be denied the privilege of taking it, or after the oath has been taken it cannot be denied adequacy merely because of any alleged opinion, state of mind or intent claimed to be inconsistent with the oath."

No Loyalty Test Rights.

Seventh—"That it is expressly ordained in the Constitution that no other oath, declaration or test save that set forth in the Constitution should be required as a qualification, and the Assembly has no authority to establish any test of loyalty or political principle as a qualification of membership in addition to the prescribed official oath."

Eighth—"That it is of the essence of representative government that no member shall be expelled from the Legislature or deprived of the privileges of his seat merely because of political opinions or affiliations with a political party in the absence of any proved violation of law or political principle as a qualification of membership in addition to the prescribed official oath."

Ninth—"That it is essential to the security of the community and to the maintenance of law and order that the peaceful means of political expression

through the ballot box and representation in legislative assemblies should not be denied or constitutions disfranchised because of political opinion."

Tenth—"That it is of the essence of the institutions of liberty that it be recognized that guilt is personal and cannot be attributed to the holding of opinion or to mere intent in the absence of overt act; that a member elected to the Assembly is entitled to the benefit of the presumption of innocence, and that a member of the Assembly, duly elected, being of sound mind and possessing the qualifications prescribed by the Constitution, cannot properly be expelled or denied the privileges of his seat except upon charges duly laid and upon proof duly taken of personal misconduct as a member of the Assembly or of the commission by him of some act constituting a violation of law."

Elevanth—"That it is important that this vital issue, the proper decision of which is essential to the security of the republic, should not be obscured by the reception of testimony, statements or declarations as to matters here or abroad in the attempt to indict a political party or organization without first laying proper charges with proper specifications directly connecting the members accused with personal and guilty participation in illegal acts."

"For these reasons," the memorial concludes, "we respectfully urge: That the resolution of suspension adopted on January 7, 1920, be rescinded; that the members under suspension be at once restored to their seats and to their rights and privileges as members of the Assembly; and that if it is desired to prevent any charges against them of any personal misconduct in office or of any violation of law such charges shall be properly formulated and that until such charges, properly laid, have been established by proof, after due opportunity to be heard, these members shall enjoy all the privileges of their seats in recognition of their own rights and of the rights of their constituents."

A copy of the brief filed by the Bar committee before the Judiciary Committee was submitted to the Assembly with the memorial.

Statement by Socialists.

In a statement to-night the suspended Socialists promise that, although excluded from the Assembly Chamber, they will continue to look out for the interests of their constituents and those of other Assemblymen. Their statement follows in part:

"Though the five Socialist Assemblymen are not allowed to sit, debate, vote or draw their salaries in the Legislature, we will continue to look out for the interests of our constituents and those of other Assemblymen. Their statement follows in part:

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Gag Law Charged.

"Already the attempt is being made to slip over on the people of the State a gag law fully as drastic as those introduced at the request of Attorney-

General Palmer at Washington, which have failed because of the great protest that has spread over the country from coast to coast. This bill has already been introduced in the State Senate. It is worded vaguely after a fashion of similar measures promulgated in Czarist Russia and other feudal despotisms. Under it it becomes a felony to teach, publish or advocate any theory, doctrine, proposition, programme or philosophy, which tends, purports or seeks to effect a change in the government of this State or of the United States by means or in a manner contrary to the Constitutional provisions."

"Under this bill the expounding of any reform or change or a simple statement of fact by an economist in a college classroom on the need for a better balanced distribution of wealth, or the reading aloud from the Declaration of Independence or Lincoln's first inaugural address, or from certain political poems of Whittier or Lowell, or a demand from labor organizations for public milk distribution at cost to save the lives of babies, or the publication as a text of the 'Republic' by Plato, a well known foreign communist—all these could be punished as felonies. Obviously this bill would be used to crush every constructive political thought in this State."

"Another bill about to be sprung will provide for the abolition of direct primaries and the restoration of the boss controlled convention system so that the inevitable empires may rule its legislative and administrative creatures directly, without the fear of any upset in a popular primary. This bill would not affect the selection of Socialist nominees, for since the party serves no large vested interests, it functions democratically, and in any event its members would select its candidates in an informal primary."

VESTRY TO ACT SOON ON DR. GRANT'S FORUM

Delay Due to the Illness of the Rector.

The fate of the Sunday night forum at the Church of the Ascension, which has been given over largely to the championship of violent and revolutionary causes, is to be decided Thursday afternoon.

The vestrymen will meet on that day and discuss the recent request of Bishop Burgh that the forum either be shut down entirely or held in some other place than the church room which, by its articles of donation, is supposed to be set apart from all "unhallowed, worldly or common uses."

George Gordon Battle, junior warden of the church, said yesterday that the Rev. Dr. Percy Stickney Grant, the rector, was still ill, and that neither Dr. Grant nor any of the vestrymen had had any foreknowledge of the Red radical blast that occurred in the church room on Sunday night, when a number of extremists delivered themselves of bitter attacks upon American institutions.

Mr. Battle said the vestry had been unable to comply with the Bishop's wish and prevent the discussion on Sunday night. He explained that the Bishop's letter expressing this wish had not been received by the rector until Friday, when it was too late for the vestry to act.

Augustus Jay's Will Is Filed.

Special Dispatch to THE SUN.

Newark, Jan. 26.—The will of Augustus Jay was admitted to probate here to-day. The personal estate will not exceed \$1,000,000. Mrs. Jay receives half of the rest of the estate and the residue on the whole estate after \$10,000 has been paid to a grandson, Peter Jay. The other half is divided between the two sons, Delancey Kane Jay and Peter Augustus Jay.

CONQUEST OF WORLD NO LONGER RED PLAN

Martens Tells Senate Committee Crusade Is Not Necessary Now.

DIDN'T PLOT AGAINST U. S.

"Ambassador" Says He Merely Tried to Gain Recognition for Republic.

WASHINGTON, Jan. 26.—Soviet Russia, transformed by assured success of its leadership at home, is no longer fired by the missionary zeal which led its agents and emissaries during the first months of its existence to preach worldwide revolution, Ludwig C. A. K. Martens, who calls himself the Ambassador from that country to the United States, testified to-day before a Senate investigating committee.

"The Soviet republic, at present, Martens said, 'does not care what kind of government other people have,' and has indulged in general revolutionary propaganda only 'when it was on the defensive, and hard pressed by nations which had armies in the field against it.' To-day, because it is 'strong enough to fight the world,' it has abandoned, he added, the principles first promulgated to the effect that it can be maintained only by the destruction of other governments which recognize property rights and capitalistic organization."

These statements, Martens, under oath, made in response to a fire of questions from Senator Moses (New Hampshire), chairman of the investigating committee, and Senator Borah (Idaho). Plainly incredulous Senator Borah shot him query after query, repeating various reported manifestos of the Federated Soviet Russian Republic, which called on revolutionary elements everywhere to organize workingmen to revolt against all organized government, and demanding whether every Soviet supporter was not bound to work for destruction of all governments recognizing capital. Martens met him with quick denials.

Took No Part Here.

Particularly Martens denied all connection with revolutionary movements in the United States, though admitting some knowledge of them. He said they were "purely American, arising out of American conditions," and as Soviet agent here he had not helped or financed them or their followers. He had instructions from his Government, he said, to stay clear of interference with American internal affairs. All of his publicity efforts, very extensive as outlined in his testimony, were devoted to explaining the Soviet system to the end that Americans would allow its recognition as the established Government in Russia, and were not to extend it in the United States.

When the committee demanded copies of the actual governmental instructions to that effect, former Senator Hardwick of Georgia, attorney for the Soviet bureau, argued that to give them might disclose the "code" in which the Soviet Foreign Office corresponded with Martens, which should be entitled to immunity; but promised, notwithstanding, to furnish them in the original or in sworn translations. An adjournment was taken until Thursday, partly to

let Martens examine his records for that purpose.

"I'd like to have a little time to see what instructions I have," Martens said. "I'd like to furnish the committee everything it requests."

"These instructions from my Government have at all times guided my policy and conduct," he said, reading from a prepared statement. "In all my activities I have scrupulously refrained from any interference or participation in the domestic affairs of the United States."

"My Government specifically instructed me that the funds at my disposal should not be used for any purposes involving interference in the internal affairs of the United States," he read.

Sensor Borah declared that the committee would want to have the original instructions from the Soviet Government to him.

"That's his inference only from the instructions," remarked Senator Brandegee (Connecticut).

"Have you ever carried on propaganda in this country with a view to getting Soviet Government established in this country?" Senator Borah asked.

"Never," Martens answered. "I have carried on a propaganda in this country to get the Soviet Government recognized, that is all."

Don't Care About Others.

"Isn't it one of the tenets of your creed that Soviet Governments should be established everywhere?" Senator Borah asked.

"No, we don't care what kind of Government other peoples have," Martens replied.

"Isn't it a fact that the Russian Soviet Federation has a cardinal purpose of instituting a world wide revolution among other peoples?" Senator Borah demanded.

"There was a time when Russians believed that was necessary to sustain their own soviet," Martens said. "Now conditions have made it unnecessary. Russian Soviets are firmly established and have grown strong enough to sustain themselves; strong enough to fight the world."

"Just recently the change was shown by a letter from Premier Lenin to the Italian Socialists advising against a revolution there."

"You mean to say, then, that the cardinal tenet we have been told about, requiring every Soviet supporter to preach and agitate everywhere for the establishment of Soviets everywhere, has been abandoned?" Senator Borah pressed.

"It is not necessary now," Martens said.

Bought Little Here.

When he finished answering questions Martens said "a few thousand dollars worth of boots and automobiles" were his only purchases in the United States, but produced a list containing, he asserted, 1,000 names of American business houses with whom dealings could be opened.

The witness said he regarded the Soviet organization as the legitimate successor to the former Russian Government, adding that about "80 per cent of the Russian people support the Soviet regime."

"To what extent do the people participate in the Government now?" asked Senator Borah.

"Anybody doing work participates," Martens said, "except those who live on efforts of others or were connected with the old regime."

"Any useful activity is work. Scientific research, inquiries or writing, all of that is considered work."

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Through a prolonged strike of almost eighteen weeks they stood as a unit for INDUSTRIAL FREEDOM, firmly refusing to bow to the dictates of professional radicals—the trouble makers by whom the strike was called and conducted during that period with the usual methods of intimidation and destruction of property. This strike was an obvious effort to force the closed shop upon the trade, gain control of the business and impose upon it all the well-known restrictions of radical Unionism.

The strike was unpopular with the workmen from the start. Fear of the consequences kept many of them from remaining at their employment. But with the SWEEPING AND PERMANENT INJUNCTION lately granted and protection now assured, they are returning daily to their old positions. Conditions are now normal and settled.

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As good American citizens let us rally round the standards of Freedom and Social Order. Let us show a united front against those forces of sedition and disloyalty which aim at the destruction of our established Government and its time-honored institutions, the mainstay of our life and liberty.

We endorse the action of the Government in punishing and deporting all undesirables: Bolsheviks, Soviets, and I. W. W.'s. There is no room for them in Free America. We demand the OPEN SHOP, LAW AND ORDER, A SQUARE DEAL FOR ALL; one LANGUAGE, one LOYALTY, one FLAG.

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